(2)
No. 06-471

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IN THE
Supreme Court of the United States

RAYMOND CHARLES PERSIK,
Petitioner

v.

JOHN W. SUTHERS, COLORADO ATTORNEY GENERAL,

and

PHILLIP B. J. REID, SPECIAL AGENT IN CHARGE, FEDERAL BUREAU OF INVESTIGATION – DENVER DIVISION
Respondents

On Petition For Writ of Certiorari
To The U.S. Court of Appeals for the 10th Circuit

PETITION FOR REHEARING

RAYMOND C. PERSIK, Pro Se
Post Office Box 3553
Santa Clara, California 95055
(408) 249-2842
E-mail: Whales4Peace@aol.com

QUESTIONS FOR THE U.S. SUPREME COURT ON REHEARING

1. Based on newly discovered evidence, in *Tarasoff v. The Regents of the University of California*, 551 P.2d 334 (1974), will this Court remand this Pro Se Case to the 10th Circuit, with an Order for the 10th Circuit to subsequently remand the case to the U.S. District Court for the District of Colorado, to continue the proceedings toward the previously scheduled trial, and will this Court include an ORDER directing the issuance of a Writ of Mandamus, compelling the F.B.I and/or the Colorado Attorney General, to take affirmative action to end the purported 10 years of alleged violence against the petitioner?

2. With the evidence, discussed in the argument for question 1, will this Court now consider adopting a modified version of the "State Danger Theory" discussed in *Greene v. Plano*, 227 F. Supp.2d 615 (E.D.Tex, 2002)?

3. The petitioner now believes that [he] has all pertinent information and research completed; therefore, for the benefit of the equal employment opportunities, for the American people, and the Equal Employment Opportunity Commission, will this Court exercise it's authority and revisit the petitions for writ, and the petitions for rehearing, in: (1) *Persik*[1] *v. Colorado* , 538 U.S. 995 (#02-875, 537 U.S. 1190, 2002), (2) *Persik v. Colorado State University,* 542 U.S. 916 (#03-1278, 541 U.S. 990, 2004) and (3) *Persik v. Manpower, Inc.*, 542 U.S. 960 (#03-1473, 541 U.S. 1086, 2004)?

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[1] [Persik] will attempt to file a U.S. Supreme Court, Rule 20 Petition for Writ of Certiorari, to the 9th Circuit, in *Persik, et. al. v. Group Health Cooperative of Washington State, et. al.*, #05-35953 (#00882TSZ, D.C.W.Wash, 2005), 9th Circ, 2005) by January 22, 2007.

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ARGUMENT

Part I. Based on newly discovered evidence, in *Tarasoff v. The Regents of the University of California*, 551 P.2d 334 (1976), will this Court remand this Pro Se Case to the 10th Circuit, with an Order for the 10th Circuit to subsequently remand the case to the U.S. District Court for the District of Colorado, to continue the proceedings toward the previously scheduled trial, and will this Court include an ORDER directing the issuance of a Writ of Mandamus, compelling the F.B.I and/or the Colorado Attorney General, to take affirmative action to end the purported 10 years of alleged violence against the petitioner?

1. The petitioner, Raymond Charles [Persik], maintains that this is an excellent opportunity for this Court to send a clear message to the entire Nation, and potentially the world, of the value of the human mind and education. WE, as a Nation, must begin to teach ALL our people the rewards of the price of education versus the "price WE pay for ignorance". This "ignorance".

2. Following the September 18, 2006 filing, of the petition for writ, [Persik] located several key cases that appear to be the scripts for alleged third party defendant[s] to this action. These two critical cases, discussed in more detail infra, in this petition, are *Church of Scientology of California v. Commissioner of Internal Revenue*, 823 F.2d 1310 (9th Circ, 1997) and *Tarasoff v. The Regents of the University of California,* 529 P.2d 553 (1974). These cases provide [Persik] with a clear basis for re-writing (drafting) a clear Amended Complaint, upon remand of this case, meeting the requirements of F.R.Civ.P., Rule 8(a). Coupling this information with information previously provided to this Court, and the lower courts, [Persik] can clearly show both defendant[s] failure to supervise. (See ¶ 15 at 17 Petition for Writ, [Writ])

3. Additionally, since July 15, 2006, the petitioner [has] focused [his] reserve military duties solely on reading military field manuals per direct order of [his] commanding officer. In Field Manual (FM) 34-7, Intelligence and Electronic Warfare Support to Low-Intensity Conflict Operations, Headquarters, Department of the Army; Washington, DC, 1993, at 4-16, the manual describes both the Nature of the Threat and Nature of the Government as part of the Factors of Analysis in the Analysis of Low-Intensity Conflict.

(a) In the "Nature of the Threat", the Department of the Army (DA) writers discuss several key factors to "look at". Of key importance, in this case, are the: (1) "Desired end state of the threat..., (2) groups and subgroups supporting the general objectives of the threat and (3) threat organizational structures and patterns; their variations, combinations, shifts, and trends." [Persik] can clearly draft an amended Complain, upon remand of this action, that incorporates the knowledge contained within these manuals. By allowing the purported violence since August 1997, the alleged minority population supporting harassing, discriminatory and out right criminal behavior against [Persik], becomes a role model for a low intensity conflict as defined within the cited FM as well as other Special Operational Forces manuals.

(b) In the "Nature of the Government" factor, the writers state to "examine: (1) National strategy, (2) Coercive measures, (3) Balanced development and administrative competence". The authors continue by stating to "evaluate areas where the government has maintained the initiative" (among other areas to look at the host nation's (HN) response). Of key importance is the "National Strategy". [Persik] suggests that this Court can examine this element to determine the validity of [Persik]'s allegations that [his] unborn son was sacrificed for a National Equal Employment Opportunity Program and anti-domestic violence program. (See ¶ 3 at 21-22, [Writ])

4. To tie together all allegations, and provide this Court, and the United States Solicitor General, with a basis for supporting this petition, [Persik] cites: *Stratgey and Constraints on Supreme Court Opinion Assignment*, Paul J. Wahlbeck, 154, no. 6, University of Pennsylvania Law Review 1729 (2006). At 1734, the author discusses "Contraints on Agenda Setting". [Persik] suggests that either former Chief Justice Warren E. Burger court, or Chief Justice William H. Rehnquist, could have developed a "National Strategy", discussed supra at ¶ 3, in conjunction with the Department of Defense's "National Strategy" aimed at achieving the uncommon goals being suggested in the series of litigation efforts presented by [Persik][2]. More specifically, Wahlbeck states, at 1734: "The Chief operates within limits created either by the press of other goals that he values, or by norms that limit his ability to pursue single-mindedly policy-based assignments."[3]

(a) Thus, for the clarity of argument, [Persik] presents a possible combined "National Judicial Strategy" coupled to a "National Defense Strategy". [Persik] again relies on one cite that [he] has been unable to locate, circa the mid-1980's, where [Persik] maintains that either the Department of Defense [DOD], or the Department of the Army [DOA], was cited as stating that the Court system, within the United States, was in such disarray, that they did not know how they could fix the problem. [Persik] suggests that a "mole' could be placed within the judicial system to test the integrity of the process, or the judicial process.

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[2] [Persik] again clearly states for the record that none of the work, at the United States Supreme Court level, would have been possible without the support of so many wonderful men and women in the armed services as well as so many civilians living within the United States. This does not suggest that the DOD, the DOA, or the DOJ supports this work in any manner.

[3] *A Conditional Model of Opinion Assignment on the Supreme Court*, Forrest Maltzman & Paul J. Wahlbeck, 57 Pol. Res. Q. 551, 551 (2004).

(b) In this "theory", the 1994 abortion serves as a source of discriminatory behavior. *Supra*, at ¶ 3(b), [Persik] discussed a "Balanced development and administrative competence". The government would in fact be able to maintain the initiative" since one of their government officers, using the term liberally, would be pushing a positive agenda within the legal system. Stated in a different manner, [Persik] pushed the Equal Employment Opportunity portion of [his] 4 phase agenda, within the 10th Circuit, where the circuit's EEOC case standards are not as liberal as the 7th and 9th Circuits. These two circuits, the 7th and the 9th, allow for the filing of an Intake Questionnaire, as meeting the 300 day deadline if a charge is later filed by the Federal EEOC, as the courts recognized in *Philbin v. General Electric Capital Auto Lease, Inc.*, 929 F.2d 321,322 (7th Cir. 1991) and *Casavantes v. California State University, Sacramento*, 732 F.2d 1441,1442-43 (9th Cir. 1984). [Persik]'s proposed "National Judicial Strategy" fits the events of 1984-2003. [Persik] began dating [his] ex-wife, [McCallie], in 1984, and [she] knew that [Persik] wanted to live out west. In 1991, the 7th Circuit followed by accepting the filing date of the questionnaire as meeting the 300 day requirement as [Persik] served on active duty with a rotation at the U.S. Army's National Training Center (NTC). [Persik] was released later in 1991 with a discharge of 2-14-1992 to allegedly begin the equal employment project.

(c) In the proposed "National Judicial Strategy", the "mole" would relocate to [his] home area in the 9th Circuit after obtaining the base judicial knowledge to be capable of representing [himself], within the 9th Circuit, against discrimination resulting from pushing the pro life portion of the 4 phase legal agenda. On December 1, 2006, [Persik] filed a Class Action, to be amended shortly, *Persik, et. al. v. Tucci Learning Solutions, Inc, and Hea-Jung Atkins, Local Director, U.S. EEOC, San Jose – Local Office*, C06-07431, N.D.Cal. (2006), where [Persik] alleges [Tucci] Learning Solutions, Inc. continued discriminating against [him] based

upon both his gender and religious, Pro Life, view. Furthermore, [Persik] alleges, although not in detail in the original complaint, that the director failed to handle the charge properly by personally approving an intern's proposed dismissal of the charge. [Persik] maintains that the EEOC representative, filing the charge, clearly saw retaliation by the employer, among other forms of discrimination, within 1 week of the filing of a class action complaint in *Persik, et. al. v. Group Health Cooperative, Inc*, C05-0882TSZ, W.D. Wash (2005). A "National Strategy" proposed by the more conservative Chief Justice, the late Mr. Rehnquist, may wish to push for the acceptance of the 9th Circuit's EEOC procedures in the 10th Circuit while pushing a more conservative agenda in the 9th Circuit for the protection of unborn children. On the other hand, a more liberal agenda, proposed by the Chief Justice before Mr. Rehnquist, Mr. Burger, may allow for the taking of an innocent unborn child to expand equal employment commission objectives. The latter theory is supported with the California "In and Out Burger" food chain. [Persik] would put a pro life case into the 9th Circuit, where pro choice people would "hijack" any solid Pro Life case foundation laid within the more conservative 10th Circuit. Furthermore, the alleged 3rd party defendant, Ms. Mollie Schreibman, now Mrs. Oster, could be viewed as supporting this view via [her] vegetarian habits, i.e. not eating meat, or not eating [Burger].

(d) Finally, the "National Military Strategy" could indirectly support the developments within the federal court system during the deployment phases of operations in Iraq and Afghanistan. Specifically, the military cannot take direct action within the civilian judicial system; however, the DOD has many people who serve within the DOJ, state and local law enforcement positions, on the civilian side of their career. Therefore, pursuant to 10 USCS. § 331, et. seq. (*See Writ* at A-39-A-40), DOD personnel serving in both capacities mentioned, i.e. DA and DOJ, could relay information obtained during the normal day to day military

operations, to their DOJ counterparts, IAW United States Code; thus, America becomes a safer place during the conduct of overseas operations in a multitude of manners by elimination of both national external and **internal** "Threat" courses of action (COA).

5. *Supra*, at ¶ 2, [Persik] discussed *Tarasoff* and *Church of Scientology of California*, as bringing the alleged ex-parte harassment, discrimination and criminal behavior together as a means to bring the current action against the two named defendants for failure to supervise or properly train their subordinate staffs. Prior to discussing the relevance of these two cases, [Persik] must address one added special operations forces term. UW is the abbreviation for Unconventional Warfare which is in essence what [Persik] alleges was the purported purpose for the use of the technology, described in the December 22, 2004 Scheduling Conference, in Denver, Colorado. (See ¶ 17 at 17, Writ)

a. To initiate the alleged, purported sham in Ft. Collins, Colorado, Ms. Rosalyn Cutler, of the Colorado State University Equal Employment Office, allegedly talked to 2 of 3 women who complained about [Persik]'s alleged off campus personal conduct in an alleged attempt to substantiate Ms. Mollie Schreibman's alleged sham. [Persik] met one of these ex-parte women at the Safeway food store circa March 1997 in Ft. Collins, Colorado. Her name was Tara. Again, [Persik] alleges that Ms. Kristen Morrow, et. al., arranged the entire sham with the help of [Persik]'s alleged sick ex-wife, Monica McCallie. Again, Ms. Kristen Morrow's mother is an attorney. In *Tarasoff*, at 344, the court states: 'Tarasoff and Poddar kissed, and Poddar misunderstood this as a sign of a serious relationship'", *Ewing v. Goldsteain and the Therapist's Duty to Warn in California*, 36 Golden Gate University Law Review 293 (2006) at 295. In the *Therapists Duty* at 295, the law review cites "...Poddar was encouraged by friends to seek psychological treatment... In late August, Dr. Moore, a psychiatrist, notified the campus police that he believed that Poddar might be a danger to himself or to

others, at 345 *People v. Poddar*, 518 P.2d 342 (1974). The review continues by stating that "he intended to kill a girl, … , when she returned from Brazil, *Tarasoff* at 556. In 1999, Ms. Kendra Soderberg acted out the other part of this alleged script by telling Colorado State University Police that she was so afraid of [Persik] that she had to go to Australia. [Persik] clearly states to this Court, and the U.S. Attorney General's office that this alleged violent group of women allegedly wanted [Persik] beaten beyond recognition, and if [he] lived through the years of violence, one of them would continue to attempt to force themselves at [Persik] via 3rd party harassment, *See Hanzo v deParrie*, 953 P.2d 1130,1135 (Or.App. 1998), cited in the *Writ*, ¶ 9, at 15, discrimination and alleged criminal behavior. In July 1998, Ms. Stacey Tweed[4], of Lincoln, Nebraska, told [Persik] that "When a woman thinks she is right for you, you will never get away from her." [Persik] views this is sick. Stalking and abeting locations where [Persik] frequents for 8 years is very sick behavior.

b. To further simplify the original complaint, through an amendment upon remand, [Persik] located *Church of Scientology of California, supra.* Ex parte defendant, and alleged co-criminal master mind, Ms. Mollie Schreibman, now [Oster], attended a closely related Church of 1st Scientist, although [she] admitted, as did Ms. Kendra Soderberg, to being an atheist. At 1311, the Court discusses "Excessive compensation by organization to private individual and potential abuse, even absent showing of actual abuse, will constitute inurement sufficient to destroy tax exempt status…" [Persik] maintains that ex parte defendant [Oster] intentionally kissed [Persik] two times in May 1997 to intentionally victimize [Persik] for ex parte defendant[s]: [McCallie], [Morrow], et. al. However, [Persik] maintains

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[4] Stacey Tweed was a good friend from August 1992 – July 1998, and remained a friend until their mutual good-bye in June 2004.

that this Case can be utilized to further legal standards for the protection of women and children, *infra* at Part 2.

c. [Persik] maintains that a simple pattern analysis, and link diagram, will show either someone walking [Persik] through the legal system with relevant cases, or the purported failure to train their subordinates by the defendant[s] to this action which can still result in a positive outcome for our judicial system.

Part II: With the evidence discussed in the argument for question 1, will this Court now consider adopting a modified version of the "State Danger Theory" discussed in Greene v. Plano, 227 F. Supp.2d 615 (E.D.Tex, 2002)?

1. The petitioner again restates that [he] alleges this conspiracy, is in violation of: 42 USCS § 1981, § 1983, § 1985. Arguments part I and II provide the alleged goals of the alleged criminals.
2. More specifically, [Persik] maintains that God's grace alone will not stop the purported harassment and criminal activity initiated by ex parte defendant[s]: McCallie, Morrow, Oster, Schreibman, Soderberg, Seymour, Montgomery, Schroeder and Tweed. [Persik] maintains that based on the newly discovered evidence, supra, in argument part 1, the situation is very clear to [Persik] that numerous women are becoming increasingly violent in the United States via both direct action and threats, as occurred with Schroeder, McCallie and Seymour, and through third party aggression and harassment. Again, [Persik] maintains that this is an excellent opportunity for this Court to examine adopting a modified State Danger Theory, as discussed in *Green v. Plano, LSD*, 227 F.Supp.2d 615 (E.D.Tex 2002) to compensate victims, both female and male, from acts of violence.
3. Persik again reminds this Court of the Colorado Supreme Court Task Force on Gender Bias in the Courts, Gender & Justice in the Colorado Courts 91 (1990).Is this a coincidence

that this violence began, in it's most severe form, within the borders of the State of Colorado? To emphasize the fact that violence does not stop until government intervenes, [Persik] explains to this Court that he was dismissed from yet one more employment assignment when working with Manpower Inc. at Abbot Labs in Santa Clara, California in April 2006, on the day [Persik] completed a phone interview from the Manpower on-site management office at Abbot Labs, with Lisa Fung of the San Jose office of the Federal EEOC. Furthermore, a bank employee threatened that "We are going to take that from you" on the same afternoon when referring to [Persik]'s Abbott and US Army Reserve identification cards visable around [Persik]'s neck. [Persik] maintains that this is yet one more criminal violation of 18 USCS § 1512, et. seq. Intervention, by the U.S. Federal Government, is overdue.

Part III. The petitioner now believes that [he] has all pertinent information and research completed; therefore, for the benefit of the equal employment opportunities for the American people, and the Equal Employment Opportunity Commission, will this Court exercise it's authority and revisit the petitions for writ, and the petitions for rehearing, in: (1) *Persik v. Colorado* , 538 U.S. 995 (#02-875, 537 U.S. 1190, 2002) (2) *Persik v. Colorado State University*, 542 U.S. 916 (#03-1278, 541 U.S. 990, 2004) and (3) *Persik v. Manpower, Inc.*, 542 U.S. 960 (#03-1473, 541 U.S. 1086, 2004)?

1. The pattern described in Part 1 is quite clear. These third party defendant women were never fearful of [Persik]. As previously cited, from 2A Fed. Proc § 3:410, " If Certiorari is denied earlier in a litigation and a subsequent petition for certiorari is later granted, …, may consider questions raised by both petitions", *Chessman v. Teets,* 354 US 156 (1957), *Mercer v. Theriot*, 377 US 152 (1964), since the cases have their roots in the same alleged initiation of wrong doings

which was the loss of Angel Persik, on September 27, 1994 and the subsequent SEVERE exploitation of the petitioner beginning on January 28, 1999 with an alleged illegal arrest? A second alleged illegal arrest occurred on June 2, 1999. Interestingly, 602 is the area code to Phoenix, Arizona where Ms. Morrow purportedly lives.

2. Again, [Persik] cites 8 Am Jur Proof of Facts (POF) 153, the "(1) foundation for admission of motion pictures, and (2) motion pictures of experiments. And again, [Persik] utilizes additional peaceful ammunition by citing the ABC television show "MacGyver", Season 2, Disk 3, Paramont, A Viacom Company, 1986-1987. In the episode "Silent World", Peter Thorton and MacGyver, help stop a plot to steal a voice activated "**Mo**loch missile" being tested at **BRA**DEN lake by a partnership between the Phoenix Foundation in California and the United States Army. [Persik] maintains that the "bomb", in this case, needs to be addressed because it represents 1000s of purported crimes against [Persik] with no end in cite. While [Persik]'s new military unit, within the Special Operations command, is making giant steps towards stopping the problem.

CONCLUSION

WHEREFORE the reasons presented in this petition, and the 7 previously filed petitions, cited within, the Petitioner prays this Honorable Court will GRANT this Petition for Rehearing.

Respectfully submitted this 29th day of December 2006.

Raymond Charles Persik
Pro Se
Post Office Box 3553
Santa Clara, California 95055
(510) 334-3678
E-mail: whales4peace@aol.com

CERTIFICATE PURSUANT TO

SUPREME COURT RULE 44.2

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Raymond Charles Persik

Raymond Charles Persik

State of California

County of Contra Costa

Subscribed and sworn to (or affirmed) before me on this 29th day of December, 20 06, by Raymond Charles Persik

~~Personally known to me~~ or proved to me on the basis of satisfactory evidence to be the person who appeared before me.

JEFFERY CURTIS
COMM. #1666016
Notary Public - California
Contra Costa County
My Comm Expires May 12, 2010

NRO1

EFFERY CURTIS
MM. #1666016
y Public - California
ntra Costa County
Expires May 12, 2010
NRO1

(seal)

Signature